

REMARKS

Claims 39-77 are currently pending in the application. Claims 51-61 and 66-77 have been canceled. Claims 62-63 have been amended. Claims 78-85 have been added. Support for the amendment to claims 62-63 and new claims 78-85 may be found in the specification as filed. No new matter has been added.

The Examiner has required restriction to one of two groups under 35 U.S.C. §§ 121 and 372:

- I. Claims 39-50, drawn to a method for identifying bacteria in a test sample; and
- II. Claims 51-77, drawn to a primer pair, a set of oligonucleotides, a diagnostic kit for the identification of bacteria, and an isolated oligonucleotide.

In response to the restriction requirement, Applicants provisionally elect **with traverse, Group II**. Upon entry of the present Amendment, Group II will encompass claims 62-65 and 78-85. Applicants reasons for traversal are set forth below.

The Examiner alleges that the claims lack unity because Blattner et al. (Science, 1997) anticipates claim 66. Applicants respectfully submit that claim 66 has been canceled, thereby rendering the restriction moot.

The Examiner has further required an election of two specific oligonucleotide sequences for examination. In response, Applicants provisionally elect, **SEQ. ID. NOS: 1 and 2**, for search purposes.

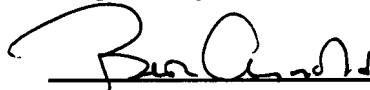
In accordance with the provisions of MPEP § 821.04, Applicants reserve the right to rejoin product and process claims upon allowance of claims to an elected invention. Applicants further reserve the right to petition the Commissioner to review the restriction requirement if this restriction requirement is made final.

CONCLUSION

Early and favorable consideration of the application is respectfully solicited. The Examiner may address any questions raised by this submission to the undersigned at (617) 832-1000. If any fees are due, the Commissioner is hereby authorized to credit any overpayment or charge any deficiencies to **Deposit Account No. 06-1448, IMA-031.01.**

Dated: April 20, 2007

Respectfully submitted,



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